GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Deptt.– Imposed a punishment of withholding of 5% cut in pension for One (1) year against Sri M.Subba Rao, the then AE (Retired), MP Kankipadu, Krishna District duly treating the suspension period as not on duty – Charged Officer filed OA No.6398/2015 – Andhra Pradesh Administrative Tribunal set aside the punishment orders – Orders of APAT implemented - Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 28 **Dated: 08-01-2018**

Read the following:-

1. G.O.Rt.No.455, PR&RD (Vig.I) Department, Dt.08.05.2015.
2. Hon'ble APAT Orders, Dt.27.04.2017 in OA No.6398/2015 filed by Sri M.Subba Rao, the then AE (Retired), MP Kankipadu, Krishna District.

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ORDER:-

Government, in the reference 1st read above, imposed a punishment of withholding of 5% cut in pension for a period of one year on the CO, Sri M.Subba Rao, former AE, (Retd), Kankipadu, Krishna District, under Rule 9 of APRP Rules, 1980, duly treating the suspension period as "Not on Duty", in respect of allegations of misappropriation of Government funds in execution of Individual Sanitary Latrines (ISLS) to a tune of Rs.2.94 Lakhs..

2. Aggrieved by the said punishment orders, Sri M.Subba Rao, former AE, (Retd), Kankipadu, Krishna District, has filed OA No.6398/2015 before the Hon'ble Andhra Pradesh Administrative Tribunal with a prayer to set aside the said impugned order.

3. The Hon'ble Andhra Pradesh Administrative Tribunal in their final judgement, dt.27.04.2017 in OA No.6398/2015, have ordered as follows:-

> "In the light of the above discussion, it is crystal clear that the inquiring authority, who conducted enquiry as per Rule 20 of the CCA Rules did not give finding on any of the article of charges framed against the applicant much less that the charges are proved. The conclusions reached to the effect that there are certain procedural irregularities and lack of supervision which is beyond the scope of enquiry is liable to be ignored. Added to that without any disagreement, 1st respondent decided to impose the penalty of 5% cut in pension for one year and issued the impugned memo without furnishing copy of the enquiry report. The action of the 1st respondent is in utter violation of mandatory rule under Rule 21 (2) of CCA Rules.
>
> Taking into consideration the above facts and circumstances, this tribunal is of the considered view that the impugned penalty of withholding of 5% cut for a period of one year is quite illegal, invalid, unsustainable and therefore, liable to be set-aside.
>
> In view of the finding on the point, the impugned G.O.Rt.No.455, PR&RD (Vig.I) Department, dt.08.05.2015 of 1st respondent, imposing penalty of withholding of 5% cut in pension for a period of one year including the later part of the G.O., treating the period of suspension as "not on duty" is set-aside, with all consequential benefits".

4. After careful examination of the matter, Government have decided to implement the orders of Andhra Pradesh Administrative Tribunal. Accordingly, Government hereby order to implement the orders of Hon'ble Andhra Pradesh Administrative Tribunal, Dt.27.04.2017 in OA No.6398/2015 filed by Sri M.Subba Rao, former AE, (Retd), Kankipadu, Krishna District, i.e., to set aside the orders issued in G.O.Rt.No.455, Panchayat Raj & Rural

Development (Vig.I) Department, Dt.08.05.2015 imposing a punishment of withholding of 5% cut in pension for a period of one year on the CO, Sri M.Subba Rao, former AE, (Retd), Kankipadu, Krishna District, under Rule 9 of APRP Rules, 1980, duly treating the suspension period as “Not on Duty”, with all consequential benefits.

5. The Engineer-in-chief, Panchayat Raj, Andhra Pradesh, Vijayawada shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME O THE GOVERNOR OF ANDHRA PRDESH)

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR&RD)

To
The Engineer - in - Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The individual **through** Engineer-in-chief, Panchayat Raj, Vijayawada.
Copy to:
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Velagapudi.
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER